

立法會
Legislative Council

LC Paper No. CB(2)1745/17-18(04)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 10 July 2018**

**Issues relating to reprovisioning of farms affected by
development plans and rehabilitation of fallow farmland**

Purpose

This paper provides background information on arrangements adopted by the Administration for the reprovisioning of farms affected by development plans and the rehabilitation of fallow farmland, and summarizes major views and concerns of members of the Panel on Food Safety and Environmental Hygiene ("the Panel") on the subject.

Background

2. According to the latest survey on agricultural land use conducted by the Agriculture, Fisheries and Conservation Department ("AFCD"), as of 2017, the total area of agricultural land in Hong Kong is around 4 400 hectares, of which about 710 hectares are under active farming. Besides, there are 43 local pig farms and 29 poultry farms in the territory.

Reprovisioning of crop farms/livestock farms affected by public works projects

3. According to information provided by the Administration in November 2017, under the established mechanism, farmers and livestock farm operators affected by land resumption and clearance arising from public works projects may consider relocation to continue the operation. In the event of relocation of a licensed livestock farm, the relocation site must fulfill the respective requirements under the Waste Disposal Ordinance (Cap. 354) and the Waste Disposal (Livestock Waste) Regulations (Cap. 354A) which govern the handling

of livestock waste; the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139L) with regard to livestock keeping control, bio-security and environmental protection etc.; as well as the relevant legislation and regulations relating to planning and lands.

4. To assist those who wish to rent private land for crop farming or poultry/livestock rearing and to facilitate agricultural rehabilitation, AFCD has implemented the Agricultural Land Rehabilitation Scheme ("ALRS") and has been serving as a middleman by matching landowners with prospective tenants and helping them concluding tenancy agreements or arrangements. AFCD also provides the successful tenants with agricultural technical support and assists them in conducting farming activities.

Compensation arrangements

5. Under the established mechanism, farmers affected by land resumption and clearance arising from public works projects will, upon completion of assessment and verification of their eligibility, be offered relevant ex-gratia allowances ("EGAs"), which include EGA for crops, disturbance allowance for cultivators, allowance for pig and poultry farmers, EGA for pond fish farmers rearing edible fish and fish fry, allowance for qualified farm structures on private land, and allowance for miscellaneous permanent improvements to farms. Generally, the amounts of EGAs payable will be assessed, taking into account the market value at the time of assessment less depreciation (if applicable).

Members' concerns

6. Members' major views and concerns on the subject are summarized in the ensuing paragraphs.

Reprovisioning of farms and rehabilitation of fallow farmland

7. Members were concerned that infrastructure development and property projects taken forward in the New Territories in recent years, which involved a considerable amount of agricultural land, farms and ancillary facilities, had serious impact on the agricultural industry. In some members' view, the Administration should identify suitable agricultural land for relocation of the affected farms. Query was raised on the effectiveness of ALRS, as applicants had to wait for a long time (the average waiting time was about five years) before they were successfully matched with landowners. Members urged the Administration to formulate a comprehensive farm relocation policy, so as to assist the affected farmers/operators of live poultry trade to resume farming/operation properly.

8. The Administration advised that to assist farmers/operators affected by development projects, such as those taken forward in Kwu Tung North/Fanling North/Hung Shui Kiu New Development Areas, the Administration had introduced a special agricultural land rehabilitation scheme ("SALRS") under which the Administration would proactively identify government land and landowners who were willing to lease or sell their land suitable for agricultural rehabilitation, and carry out matching with the affected farmers. In tandem with the development schedule of the projects, the Administration would promulgate the detailed arrangements of SALRS in due course to assist the affected farmers. In addition, as one of the initiatives of the New Agriculture Policy, the Agricultural Park ("Agri-Park") might, upon completion, also serve to accommodate eligible farmers affected by development projects that happened to take place within the same time frame, should the farmers wish to continue farming.

9. Regarding the time required for successful matching under ALRS, the Administration explained that agricultural land in Hong Kong was mainly held in private hands. While it was for the landowners to decide whether or not to rent out their land for agricultural use, AFCD observed that only a small number of them were willing to rent out their land. The Administration would continue to identify suitable farmland for matching under ALRS and provide technical advice and services to farmers facilitating their resumption of active farming. To revitalize fallow agricultural land and to apply the innovative farming practices successfully developed or tested in the Agri-Park on a larger scale, the Food and Health Bureau and the Development Bureau would jointly commission a consultancy study on Agricultural Priority Areas to identify relatively large areas of quality agricultural land and formulate suitable policies and measures to provide incentives to encourage landowners to put fallow agricultural land into long-term agricultural use.

10. Some members considered that due to the strict regulations over livestock farms under the prevailing laws, it was difficult for livestock farm operators to identify suitable sites for relocation. There were suggestions that consideration be given to relocating the affected farms to the Agri-Park or merging them with other livestock farms; and amending the relevant legislation to facilitate the relocation of livestock farms.

11. According to the Administration, since the Agri-Park was set up to help nurture agro-technology and agro-business management for crop productions and given the need to prevent and control infectious livestock diseases in farms to safeguard public health, it was not appropriate to relocate thereto livestock farms. That said, the Administration was open-minded to any proposals, provided that the risk of livestock infection would be reduced with biosecurity improvement in their farms and without increasing the livestock rearing capacity.

Compensation arrangements

12. Concern was raised that some affected farmers had been forced by landowners to move out before the land resumption and clearance exercise took place. As a result, these farmers could not receive any EGAs. Members suggested that a freezing survey should be conducted to register the particulars of the occupants once the Administration started planning the development of a site, so that the occupants/farmers might get a reasonable compensation from the Government even if they were evicted afterwards.

13. The Administration advised that under the existing mechanism for assessment of EGAs payable, it would not undertake any freezing survey for farmers and their farming activities. The Administration would instead, nearer the time of land reversion to the Government, post notices to invite the affected farmers to claim for EGAs. Upon receipt of the claims, the Administration would take stock of the crops concerned and assess the amount of EGAs. The arrangement had taken into account the relatively mobile nature of agricultural activities. Farmers who had been genuinely conducting farming activities at the concerned locations would be eligible to claim and receive EGAs.

14. The Administration further advised that the freezing survey could not override the tenancy agreements between landowners of agricultural land and their tenant farmers or any related tenancy arrangements, which were private agreement matters with which the Administration could not interfere. If individual farmers had moved out prior to the land resumption as a result of tenancy termination, the Administration had no justification to grant EGAs to the farmers.

Latest development

15. The Panel will discuss issues relating to the reprovisioning of livestock farms affected by development plans and the rehabilitation of fallow farmland at the meeting on 10 July 2018.

Relevant papers

16. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

**Relevant papers on
issues relating to reprovisioning of farms affected by
development plans and rehabilitation of fallow farmland**

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	8.3.2016 (Item IV)	<u>Agenda</u> <u>Minutes</u>
	11.4.2017 (Item VI)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	12.4.2017	<u>Official Record of Proceedings Pages 5986-5995 (Written question raised by Hon Steven HO on "Farmers affected by development plans")</u>
	29.11.2017	<u>Official Record of Proceedings Pages 3128-3131 (Written question raised by Hon Steven HO on "The reprovisioning of livestock farms and the development of the livestock industry")</u>
	24.1.2018	<u>Official Record of Proceedings Pages 5662-5667 (Written question raised by Hon Steven HO on "Assistance and compensation for farmers affected by development plans")</u>